

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHANELL MARIENO, ZI. B., a minor, by her
p/n/g, Shanell Marieno, and ZO. B., a minor, by
her p/n/g, Shanell Marieno,

Plaintiffs,

vs.

TY M. QUATTLEBAUM, AMAZON.COM
SERVICES, LLC a/k/a AMAZON, AMAZON
SERVICES LLC, JOHN DOE 1, AND JOHN
DOE 2,

Defendants.

CIVIL ACTION

NO.:

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441 and § 1332(a)(1), Defendants, Amazon.com Services, LLC a/k/a Amazon and Amazon Services LLC (collectively, “Amazon”), by and through its counsel, **WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP**, hereby removes this action to the United States District Court for the Eastern District of Pennsylvania from the Court of Common Pleas of Philadelphia County, Pennsylvania on the following grounds:

1. On November 15, 2022, Plaintiffs, Shanell Marieno, Zi. B., a minor, by her p/n/g, Shanell Marieno, and Zo. B., a minor, by her p/n/g, Shanell Marieno (collectively, “Plaintiffs”) filed a Complaint against Amazon and Co-Defendants Ty M. Quattlebaum, John Doe 1, and John Doe 2. This Complaint alleges damages for personal injuries allegedly sustained when Plaintiffs were involved in a motor vehicle accident on January 7, 2021 with a vehicle allegedly operated by Defendant Ty M. Quattlebaum. *See* a true and correct copy of Plaintiffs’ Complaint, attached hereto and marked as Exhibit “A.”

2. This civil action is a controversy between citizens of different states.

3. Plaintiffs are citizens of the state of Delaware with an address located at 138 Sugarberry Drive, New Castle, Delaware 19720. *See* Complaint, ¶¶ 1-3.

4. Plaintiff alleges that Defendant Ty M. Quattlebaum is an adult individual and citizen of the Commonwealth of Pennsylvania residing at 111 Morton Avenue, Apt. 201 Ridley Park, Pennsylvania, 19078. *See* Complaint, ¶ 4.

5. Defendant Amazon is a corporate entity with its principal place of business located in the state of Washington at 410 Terry Avenue North, Seattle, Washington 98109, and accordingly is a citizen of the state of Washington.

6. Defendants John Doe 1 and John Doe 2 are fictitious entities. *See* Complaint, ¶¶ 7-8.

7. Accordingly, the parties are citizens of different states and the diversity of citizenship requirement as outlined in 28 U.S.C. § 1332(a) is satisfied.

8. Without admission thereto, the Complaint asserts claims for negligence, respondent superior, negligent entrustment and training, and emotional distress, and seeks recovery of both past and future compensatory damages for alleged pain and suffering, loss of physical function, and loss of earnings and earning capacity. *See* Complaint, ¶¶ 19-75.

9. Plaintiffs' Complaint specifically alleges that each of the Plaintiffs sustained "serious, painful and permanent orthopedic and neurological injuries." *See* Complaint, ¶¶ 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 69, 71, 73 and 75.

10. Based upon the allegations of Plaintiffs' Complaint, Plaintiffs' claimed damages are in excess of \$75,000.00 the minimum amount in controversy requirement as outlined in 28 U.S.C. § 1332(a).

11. Accordingly, this District Court has diversity jurisdiction over this lawsuit.

12. Venue is proper in this District Court as the alleged accident occurred within Delaware County, Pennsylvania, which is within this judicial District.

13. Upon information and belief, Plaintiffs' Complaint was served upon Amazon via certified mail on or about November 25, 2022 and November 28, 2022.

14. This Notice of Removal is timely as it is being filed within thirty (30) days of the service of the Complaint as required by 28 U.S.C. § 1446(b).

15. Pursuant to the provisions of 28 U.S.C. § 1446(a), copies of all state-court papers which are in Amazon's possession at, or before, the time of removal (consisting of the Complaint, Affidavits of Service, Praecipe to Reinstate the Complaint, and Entries of Appearance) are attached to this Notice as Exhibit "A."

16. Therefore, this civil action is properly removable pursuant to 28 U.S.C. § 1332(a)(1) and may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a-b) in that it is a civil action between citizens of different states, and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

17. Upon filing the within Notice of Removal in the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania, Defendants, Amazon.com Services, LLC a/k/a Amazon and Amazon Services LLC have given notice to counsel for Plaintiff and will file a copy of this Notice with the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania.

WHEREFORE, Defendants, Amazon.com Services, LLC a/k/a Amazon and Amazon Services LLC, respectfully request that this action proceed as though originally commenced in this Court.

Respectfully submitted,

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**



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Date: December 15, 2022

CERTIFICATE OF SERVICE

I, Salvatore A. Clemente, Esquire, counsel for Defendants, Amazon.com Services, LLC a/k/a Amazon and Amazon Services LLC, hereby certify that the foregoing Notice of Removal was electronically filed via this Court's electronic filing system and served via United States First Class Mail Pre-paid and Certified Mail Return Receipt Requested on December 15, 2022.

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